

Application No.: 10/050,425

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Docket No.: 432722002601

REMARKS

Claims 1, 2, and 7-13 are pending. No claim has been allowed.

Formal Matters

Applicants gratefully acknowledge the entry of the Amendment filed March 8, 2004, the acceptance of the Sequence Listing, and entry of the substitute Declaration and specification. Applicants also appreciate the Examiner's withdrawal of the rejections of record under 35 U.S.C. § 102 (a) and (b), § 112, first and second paragraph, in view of the amendments and arguments presented.

Rejection Under Judicially Created Doctrine of Obviousness-Type Double Patenting

Claims 1, 2, and 7-13 are rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1-8 of U.S. Patent No. 6,410,512. According to the Examiner, the conflicting claims are not identical, but they are not patentably distinct from each other because the compound, PSI of the '512 patent is a peptidyl aldehyde. Applicants traverse this rejection.

Applicants file herewith a Terminal Disclaimer regarding U.S. Patent No. 6,410,512, and therefore this rejection is now moot.

Therefore, Applicants respectfully request the withdrawal of this rejection.

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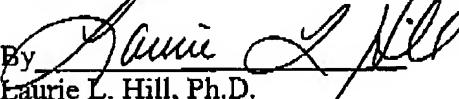
CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 432722002601. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: April 9, 2004

Respectfully submitted,

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